

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA	)	
	)	No. 2:18-CR-09
v.	)	Judge Reeves
	)	
KENNETH ALLEN MILLER, II	)	

SENTENCING MEMORANDUM

The United States of America, by and through the United States Attorney for the Eastern District of Tennessee, files this sentencing memorandum in compliance with the Court's Order.

On May 17, 2018, the defendant entered a plea of guilty to Counts Six and Seven of the indictment [Doc. 16] charging him with one count of possession with intent to distribute a quantity of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B), and one count of possession of a firearm in furtherance of a drug trafficking offense, in violation of 18 U.S.C. § 924(c)(1)(A). On July 30, 2018, the United States Probation Office prepared and filed a Presentence Investigative Report ("PSR"). [Doc. 21]. Neither the defendant nor the United States filed an objection to the PSR.

The PSR currently sets forth a total offense level of 21 and a criminal history category of III, which corresponds to a guideline range of 46 to 57 months. The PSR cites to 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) which requires a minimum term of imprisonment of 60 months. The PSR also cites to 18 U.S.C. § 924(c)(1)(A), which requires a mandatory minimum sentence of 60 months imposed consecutively to any other term of imprisonment, making the effective guideline range 106 to 117 months. The United States believes that a sentence within the guideline range is appropriate, and objects to a sentence below the guideline range.

Respectfully submitted this 19th day of September, 2018.

J. DOUGLAS OVERBEY  
United States Attorney

By: \_\_\_\_\_  
Thomas A. McCauley  
Special Assistant U.S. Attorney  
423/ 823-5033

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2018, the foregoing was filed electronically. Notice of this filing was sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. Counsel not indicated on the court's EFS will be served by regular U.S. Mail, postage prepaid.

By: /s/ Thomas A. McCauley  
Thomas A. McCauley  
Assistant United States Attorney